

TAMIL NADU ELECTRICITY REGULATORY COMMISSION
(Constituted under section 82 (1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT:

Thiru M.Chandrasekar Chairman
Dr.T.Prabhakara Rao Member
and
Thiru K.Venkatasamy Member (Legal)

M.P.No.9 of 2019

M/s. India Power Corporation
(Tuticorin) Private Limited (IPCTPL)
Plot No.X-1,2 & 3, Block EP
Sector V, Salt Lake
Kolkata – 700 091.

... Petitioner
(Thiru Bhavani Prasad
Vice-President)

Versus

Tamil Nadu Generation and Distribution
Corporation Limited
144, Anna Salai
Chennai – 600 002.

..... Respondent
(Thiru M.Gopinathan
Standing Counsel for TANGEDCO)

Dates of hearing : 22-10-2019; 12-11-2019; 28-01-2020;
25-02-2020; and 18-08-2020

Date of Order : 01-12-2020

1. Prayer of the Petitioner in M.P. No.9 of 2019:-

The prayer of the Petitioner in M.P.No.9 of 2019 is to allow the change of name of Licensee from “India Power Corporation (Tuticorin) Private Limited” to “Tuticorin Electricity Supply Private Limited “ in the Records of the Commission, as expeditiously as possible and preferably in a time bound manner.

2. Facts of the Case:-

This petition has been filed for the regulatory compliance on account of change of name and further necessary changes in documents held in the name of "India Power Corporation (Tuticorin) Private Limited" to "Tuticorin Electricity Supply Private Limited".

3. Contentions of the Petitioner:-

3.1. The petitioner, M/s.India Power Corporation (Tuticorin) Private Limited is a company registered under the provisions of the Companies Act, 1956, having its registered office at Plot No.X1-2&3, Block-EP, Sector V, Salt Lake City, Kolkata – 700 091.

3.2. M/s. India Power Corporation (Tuticorin) Private Limited (hereinafter referred to as "IPCTPL" or "Petitioner") (Co-Developer for the AMRL Hitech City Limited) has recently been granted a deemed distribution licensee status for multi-product Special Economic Zone (SEZ) at Nanguneri Taluk, Tirunelveli District in the State of Tamil Nadu with effect from April 19, 2017 by the Commission vide order dated 21.08.2018 in Petition No.L.P.No.1 of 2017 under the provisions of section 49(1)(b) of the Special Economic Zones Act, 2005 ("SEZ Act") read with section 14 of the Electricity Act, 2003 ("Act") and Tamil Nadu Electricity Regulatory Commission (Licensing) Regulations, 2005 as amended time to time.

3.3. The present Petition has been filed for change of name of the company from "India Power Corporation (Tuticorin) Private limited" to "Tuticorin Electricity Supply Private limited".

3.4. The Directors of the Company in the Board Meeting held on 01.12.2018 passed a resolution for changing the name of the Company from "India Power Corporation (Tuticorin) Private Limited" to "Tuticorin Electricity Supply Private Limited" as the Board Members felt that it should reflect local aspirations and local fervor in the name and add more focus to the principal area of business activity in which the company is engaged in Tuticorin SEZ. It will emphasize on the Company's commitment towards providing seamless electricity to the respective SEZ in Tuticorin. This would also help in building an instant connect with the masses and local community at Tuticorin. The prospective consumers there would be able to identify the nature, business purpose and the area of service of the Company and easily be able to connect.

3.5. The name of the company has been changed from "India Power Corporation (Tuticorin) Private Limited" to "Tuticorin Electricity Supply Private Limited" with effect from 21-12-2018. The Certificate dated 21-12-2018 issued by the Registrar of Companies, West Bengal has also been issued.

3.6. There is no change in ultimate beneficiary although shareholding pattern has been modified to the effect that the shareholding of the ultimate beneficiary has increased in the applicant company.

3.7. There is a change in one of the two directors in the Board with effect from 30.03.2019.

3.8. No other pre-requisites under the Licence Regulations have been Changed.

3.9. The Petitioner has complied with all provisions of relevant regulations applicable to it and no default has been committed.

3.10. Tuticorin Electricity Supply Private Limited shall always remain bound by the terms and conditions of distribution licence and the provisions of the TNERC Licence Regulations.

3.11. Due approval for change of name has been received from Ministry of Commerce and Industry (Department of Commerce, SEZ Section).

3.12. Prior to the issuance of the Distribution License, the Petitioner had communicated the initiation of process in this respect to the Commission vide our Letter No IPCTPL/19-20/011 dated 25.04.2019.

3.13. Regulation 16(1) of TNERC (Conduct of Business Regulations, 2004 as amended specifies as follows:

“16 (1) The Commission may initiate any proceeding suo motu or on a petition filed by any affected or interested person”.

3.14. The petitioner has filed this petition seeking change in the name of Licensee to “Tuticorin Electricity Supply Private Limited” from the existing name of “India Power Corporation (Tuticorin) Private Limited” in view of the reasons stated supra.

4. Hearing held on 22-10-2019:-

In the hearing held on 22-10-2019, the Commission directed the petitioner to follow the procedure specified in the regulations and that the petition can be admitted thereafter. Accordingly, the petitioner has published a notice as per Regulation 9 (1) (a) of TNERC Licensing Regulations in the following newspapers in Tamil Nadu on 05-11-2019:-

- (i) Business Standard
- (ii) The Times of India
- (iii) Dinamani
- (iv) The Hindu Tamil

The petitioner has also hosted the notice and petition documents on its website.

5. The petitioner has been admitted on 12-11-2019 and the TANGEDCO has been directed to file its counter.

6. Counter filed by TANGEDCO:-

6.1. The Commission in its Daily Order dated 12-11-2019 in M.P. No.9 of 2019 filed by M/s. India Power Corporation (Tuticorin) Pvt. Ltd. [IPC (T) PL] for the change of name and further necessary changes in documents of “IPC (T) PL” to “TESPL” (Tuticorin Electricity Supply Private Ltd.) was pleased to direct TANGEDCO to file the counter and adjourned the matter to 14-01-2020 for filing counter.

6.2. Tamil Nadu Electricity Regulatory Commission in L.P. No.1 of 2017, order dated 21-08-2018 granted license to M/s. India Power Corporation (Tuticorin) Private

Limited as Deemed Distribution Licensee for a period of 25 years from April 19, 2017 to April 18, 2042 with general conditions. Further, the Commission issued license for distribution of electricity to M/s. IPC (T) PL along with specific conditions on 18-06-2019.

6.3. TANGEDCO preferred an appeal, Appeal No. 47 of 2019 before the Hon'ble APTEL against the order passed by this Commission in L.P. No.1 of 2017 dated 21-08-2018.

6.4. The subject matter of grant of license to M/s. IPC (T) PL as Deemed Distribution Licensee is subjudice. The Hon'ble Appellate Tribunal for Electricity adjourned the matter for further hearing on 17-01-2020.

7. Findings of the Commission:-

7.1. This petition has been filed seeking change of name of the Licensee from "Indian Power Corporation (Tuticorin) Private Limited" to "Tuticorin Electricity Supply Private Limited" in the documents held by him.

7.2. We have considered the request of the petitioner for effecting name change. It is seen from the records that the name of the company which originally stood as Indian Power Corporation (Bihar) Private Limited at the time of its incorporation was changed to India Power Corporation (Tuticorin) Private Limited with effect from 24-01-2017 vide Government of India, Ministry of Corporate Affairs Notification issued on the even date. It is further seen that the name of the petitioner got further changed to "Tuticorin Electricity Supply Private Limited" from "India Power Corporation (Tuticorin) Private Limited" vide Government of India Ministry of Corporate Affairs Notification dated 21-12-2018.

7.3. The Commission issued deemed distribution licence to the petitioner for its multi-product Special Economic Zone at Nanguneri Taluk, Tirunelveli District, Tamil Nadu with effect from 19-04-2017 vide its order dated 21-08-2018 in L.P. No.1 of 2017 under the TNERC (Licensing) Regulations, 2005 in the name of India Power (Tuticorin) Private Limited and hence it has become necessary to consider the present request for change of name.

7.4. The petitioner has submitted that the Directors of the Company in the Board Meeting held on 01.12.2018 passed a resolution for changing the name of the Company from "India Power Corporation (Tuticorin) Private Limited" to "Tuticorin Electricity Supply Private Limited" as the Board Members felt that it should reflect local aspirations and local flavour in the name and add more focus to the principal area of business activity in which the company is engaged in Tuticorin SEZ. It will emphasize on the Company's commitment towards providing seamless electricity to the respective SEZ in Tuticorin and this would also help in building an instant connect with the masses and local community at Tuticorin. It is also submitted that the prospective consumers there would be able to identify the nature, business purpose and the area of service of the Company and easily be able to connect. The petitioner has also stated that there is no change in the ultimate beneficiary.

7.5. Further, as directed by this Commission, on 22-10-2019, the petitioner has published a notice as per Regulation 9 (1) (a) of TNERC Licensing Regulations, 2009 in two Tamil Newspapers and two English Newspapers having wide circulation in the area. No objection has been received from the public against the said name change. However, the only point urged by TANGEDCO in its counter is that the

appeal filed by it before APTEL against the order of the Commission granting deemed licence to the petitioner is subjudice. The said appeal has no bearing on the prayer in this petition. Therefore, the petitioner's prayer for change of its name in the records has to be allowed.

7.6. As the Government of India, Ministry of Corporate Affairs has already certified the change of name of the petitioner company to Tuticorin Electricity Supply Private Limited with effect from 21-12-2018 and the Board of Directors of the Company has also consented to the change of name as Tuticorin Electricity Supply Private Limited as seen from the Resolution dated 01-12-2018 of the petitioner company and the name change is sought to be made to reflect the aspirations of local population, the Commission hereby agrees to the change of name of the petitioner company to Tuticorin Electricity Supply Private Limited with effect from the date of this order.

7.7. However, it is made clear that the name change allowed herein will be a mere formality to meet the local aspirations as set out by the petitioner in its petition and such name change will have no bearing or effect on the duties, functions and liabilities of the petitioner company under the Electricity Act, 2003 and the regulations and rules made hereunder and such duties, functions and liabilities enjoined upon on the petitioner under law shall continue to remain the same.

In the result, the petition is allowed.

(Sd.....)
(K.Venkatasamy)
Member (Legal)

(Sd.....)
(Dr.T.Prabhakara Rao)
Member

(Sd.....)
(M.Chandrasekar)
Chairman

/True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission